

**SOLID & HAZARDOUS WASTE DIVISION
STORAGE TANK PROGRAM
GUIDANCE DOCUMENT #17**

SUBJECT: COMMUNITY ENGAGEMENT PLAN

SCOPE: This guidance document describes the procedure the Wyoming Department of Environmental Quality (WDEQ) Storage Tank Program (STP) will use to meet federal requirements for public participation at underground storage tank (UST) sites. The process will also be used at aboveground storage tank (AST) sites; however, AST sites are not included in the federal requirements. If there are any conflicts between this document and any rule or regulation, the rule or regulation will prevail.

INTRODUCTION:

1. The Environmental Protection Agency's (EPA's) Office of Solid Waste and Emergency Response (OSWER) developed the OSWER Community Engagement Initiative (CEI). The purpose of the CEI is to strengthen OSWER's and the EPA regional offices' engagement with local communities and stakeholders and help them "meaningfully participate in government decision on land cleanup and the management of hazardous substances and waste."

2. EPA authorizes states to implement and enforce UST programs provided the state programs are as stringent and comprehensive as federal UST program requirements. States perform certain community engagement activities that must meet federal regulations. Federal regulations (40 CFR Section 280.67), written in 1988, require certain community engagement activities related to leaking UST releases once a Corrective Action Plan (CAP) is required. Note that EPA uses the term "Corrective Action Plan," and the STP uses the term "Remedial Action Plan (RAP)." These two terms are synonymous. The State of Wyoming requires the same community engagement activities for leaking AST releases as for leaking UST releases. The federal community engagement requirements for leaking USTs are:

A. Provide notice to the public directly affected by a release and planned corrective action for every release that requires a CAP.

B. Release information and decisions regarding the CAP must be made available to the public upon request.

C. A public meeting *may be* held to consider comments on the proposed CAP *if there is sufficient public interest*, or for any other reason.

D. Provide public notice if the CAP implementation does not achieve established cleanup levels and termination of the plan is being considered.

GUIDELINES:

1. Provide Notice for Every Release Requiring a CAP

A. A public notice template is attached to this guidance document. After the final RAP has been accepted by the STP project manager, the public notice document shall be completed by

the STP project manager. The public notice is submitted by the STP district office completing the work to a newspaper of general circulation in the area covered by the RAP. If there is no “local” newspaper, the notice shall be placed in the Casper Star Tribune. The public notice shall be run once a week for two consecutive weeks as a legal notice.

B. The STP project manager will send a copy of the notice to the STP program manager who will post the notice on the STP website.

C. The STP project manager must also send a letter, along with the appropriate section(s) of the RAP, to each site owner where construction will take place on or adjacent to their property. Notification includes both source-site and third-party site owners.

D. All comments, questions, etc. received during the public comment period, must be responded to or answered by the STP project manager. All issues will be considered and a written response will be provided.

2. Information and Decision must be made Available to the Public Upon Request

A. A copy of the RAP shall be placed in the library or other public building (if such building is available) in the area covered by the RAP. A copy of the RAP shall also be available in the STP district office where the work is being completed.

B. If necessary and appropriate, the STP project manager shall meet with property owners or other interested parties to answer questions and provide additional information.

3. Public Meeting

A. A public meeting shall be held if the STP project manager determines there is sufficient local interest to warrant such a meeting or the magnitude and content of comments received indicate a meeting should be conducted.

B. The STP project manager and district supervisor or STP program manager shall determine whether or not a meeting is necessary.

4. Provide Public Notice if the RAP Implementation does not Achieve Established Cleanup Levels and Termination of the Plan is being Considered

A. This section **does not apply** if a remediation system is being shut down and the site is moved into monitored natural attenuation or is placed in “rest” mode awaiting confirmation sampling to close the site.

B. A Public Notice for Cleanup Termination template is attached to this document. At sites where a remediation action has been started but is later terminated before cleanup levels have been met, the cleanup termination notice must be prepared by the STP project manager. The public notice is submitted by the STP district office completing the work to a newspaper of general circulation in the area covered by the RAP. If there is no “local” newspaper, the notice shall be placed in the Casper Star Tribune. The public notice shall be run once a week for two consecutive weeks as a display advertisement.

C. The STP project manager will send a copy of the notice to the STP program manager who will post the notice on the STP website. The STP program manager will also notify the compliance supervisor that the site owner is no longer required to pay contaminated site fees if the fees have been paid for 10 years.

5. Other Notification Requirements. Following is a list of other notification requirements not addressed in the federal regulations. All notifications shall be done by the STP project manager.

A. Notify all site owners included in the project that remediation work will be starting. Notification should be done by phone or mail. All owners must be contacted to let them know the scope of the project, that they will be required to start paying fees again if the fees have lapsed, and that both the STP and engineers will be visiting the sites.

B. Notify site owners either by phone or mail before subsurface investigation drilling begins on their property.

C. Notify site owners either by phone or mail before construction begins on their property.

D. Notify site owners at other times during the course of the work as necessary.